

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on February 12, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: None.

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 461, HB 408, HB 466
02/12/01.
Executive Action: HB 408, HB 410, HB 403,
HB 476, HB 442.

HEARING ON HB 461

Sponsor: Rep. Jim Shockley, HD 61.

Proponents: Jim Jacobson, Administrator of the Montana Veterans Affairs Division; Hal Manson, American Legion of Montana.

Opponents: none.

Informational Witnesses: Brenda Nordlund, Department of Justice.

Opening Statement by Sponsor:

Rep. Shockley said right now when a person is discharged from the armed forces in the United States of America with a bad conduct discharge or undesirable discharge, or honorable discharge, they can buy veterans license plates. He said a person on active duty, cannot. This bill simply says, if a person is on active duty in the armed forces in the United States, they can buy veterans license plates. He said the ten dollar fee goes to maintain the veterans' cemetery.

Proponents' Testimony:

Jim Jacobson said this is an opportunity for active duty men and women to purchase a Montana Veterans license plate, he supports HB 461.

{Tape : 1; Side : A; Approx. Time Counter : 4.5}

Hal Manson said people serving on active duty should get the same as opportunities that other veterans get. He said they support HB 461.

Informational Witnesses Testimony':

Brenda Nordlund said when she read the bill, she saw a problem with the presentation of credentials, referring to Page 6, Lines 7-15. She said she would work with the sponsor of the bill to make sure that all active duty individuals, who are serving in the military, would be able to serve, even though they would not be able to present the DD214.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

Rep. Price asked **Rep. Shockley** what a DD214 is. **Rep. Shockley** said it stands for Department of Defense and DD214 is for separation papers.

Rep. Adams asked **Rep. Shockley** what the advantage is for active duty persons to have veterans' license plates. **Rep. Shockley** said this collects money for the veterans' cemetery.

Rep. Hedges asked **Rep. Shockley** if he would oppose an amendment that would add in the appropriate paper work so that an active duty service person could get their plate through the Department of Motor Vehicles. **Rep. Shockley** said, however, it would be convenient for the Department.

{Tape : 1; Side : A; Approx. Time Counter : 9.8}

Closing by Sponsor:

Rep. Shockley said he would appreciate a Do Pass on HB 461.

Chairman Somerville said the sub-committee on the Purple Heart bill had an amendment on it which did not fit within the title of the bill, so they took it off the bill. The sub-committee met on that issue and **Rep. Devlin** reported back to the committee.

Motion/Vote: REP. DEVLIN moved TO DRAFT A COMMITTEE BILL DO PASS.
Motion carried 18-0.

HEARING ON HB 408

Sponsor: Rep. Trudi Schmidt, HD 42.

Proponents: Debra Kottel, Cascade County; Ron Alles, Chief Administrator Officer for Lewis and Clark County; Sam Samson, Jefferson County Commissioner; Bill Kennedy, Yellowstone County Commissioner; Peggy Beltrone, Cascade County Commissioner; Tom Stelling, Cascade County; Don Henen, Cascade County; Jack Holstrom, Montana Association of Counties; Don Stepler, Richland County.

Opponents: none.

Informational Witnesses: none.

Opening Statement by Sponsor:

Rep. Schmidt said the section in the bill, current law of Local Government, defines the duties of County Commissioners concerning

county roads. This bill proposes language to define what an "obstruction" is on county roads.

Proponents' Testimony:

Debra Kottel said she is here on behalf of the commissioners of Cascade County. She handed out a sheet containing sections 7-14-2103, Duties of County Commissioners concerning county roads and 7-14-2133, Removal of obstructions on county roads, and 7-14-2201 General Provisions related to Bridges. **EXHIBIT(trh35a01)**. What this bill does for the citizens of Montana is simply clarify the historical meaning of the word, "obstruction", and current meaning of the word, and not to be something that would dissipate on its own, such as snow, ice or water, but something that would permanently obstruct the road, such as a rock slide or a tree that fell on the road.

{Tape : 1; Side : A; Approx. Time Counter : 26.8}

Ron Alles said they are in favor of the proposed amendment.

Sam Samson said he supports HB 408, this bill clarifies the intent of the law, in which snow is not a permanent obstruction.

Bill Kennedy said he supports HB 408.

Peggy Beltrone said she supports HB 408.

Tom Stelling said he supports HB 408.

Don Henen said he supports HB 408.

Jack Holstrom said they support HB 408.

{Tape : 1; Side : B; Approx. Time Counter : 4.8}

Don Steppler said they support HB 408.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

Rep. Hedges asked **Mr. Samson**, in the statutes, if a County Commissioner could close a road from October to June. **Mr. Samson** said yes, that statute does exist.

{Tape : 1; Side : B; Approx. Time Counter : 12.8}

Rep. Bookout-Reinicke asked **Ms. Kottel** if any of the counties have roads that they are currently snow plowing now, but plan on stopping. **Ms. Kottel** said before the commissioners would stop having a road snow plowed, the commissioners would have discussions on those issues.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 16.2}

Rep. Schmidt said this bill clarifies what already is in current statute.

EXECUTIVE ACTION ON HB 408

Motion: REP. GOLIE moved that HB 408 DO PASS.

Discussion:

Motion/Vote: REP. GOLIE moved that HB 408 AMENDMENTS, #HB040801.ALK DO PASS. Motion carried 18-0. **EXHIBIT**(trh35a02).

Motion/Vote: REP. DEVLIN moved that HB 408 DO PASS AS AMENDED. Motion carried 17-1 with Adams voting no.

HEARING ON HB 466

Sponsor: Rep. Ron Erickson, HD 64.

Proponents: Thompson Smith, Flathead Resource Organization; Paul Whiting, self; Tim Davis, Executive Director of Montana Smart Growth Coalition; Mimi Werner, self.

Opponents: Dave Galt, Director for Department of Transportation; Rep. Don Hedges, HD 97.

Informational Witnesses: Mike Barrett, self;

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 20.2}

Rep. Erickson said the Transportation Commission has 5 districts and 5 Commissioners. Those commissioners are now legally appointed. This bill will make a change so the commissioners will be elected, and also there will be 11 members on the new commission, 10 elected and 1 appointed from Native Americans, from various tribes.

Proponents' Testimony:

{Tape : 1; Side : B; Approx. Time Counter : 25.7}

Thompson Smith said this is a "good government" bill that has principles of accountability and democracy shared by all members of this legislature. **EXHIBIT(trh35a03)**.

Paul Whiting said he supports HB 466.

Tim Davis said the Transportation Commission is a group of people who are appointed and do not have any accountability to people whom they represent. He supports HB 466.

{Tape : 2; Side : A; Approx. Time Counter : 8.1}

Mimi Werner said she supports HB 466.

Louis W. Adams sent in a letter supporting HB 466.
EXHIBIT(trh35a04).

David Rockwell sent in testimony supporting HB 466.
EXHIBIT(trh35a05).

Tony Hoyt sent in testimony supporting HB 466. **EXHIBIT(trh35a06)**.

Mayre Flowers sent in testimony supporting HB 466.
EXHIBIT(trh35a07).

Vern E. Cheff Jr. and **Laurel Cheff** sent in testimony supporting HB 466. **EXHIBIT(trh35a08)**, **EXHIBIT(trh35a09)**.

Opponents' Testimony:

Dave Galt said MDT opposes this bill, primarily because of the cost. He said the people on the Transportation Commission are selected from each financial district in the State of Montana. Also, there is language in the bill that does require the Department of the Governor to seek consultation with tribes before they place that commission member. He said they have expanded their public hearings within the department, and are holding meetings early in a project development stage to get out and talk to people.

Rep. Don Hedges said he opposed this bill because the Transportation Commission would be elected at large, and this would soon make all the Commissioners from our populated areas

and disenfranchise some of the more rural areas in terms of making decisions as to how our highways are funded.

Informational Witnesses Testimony':

Mike Barrett handed in testimony. **EXHIBIT**(trh35a10).

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 18.6}

Rep. Gallik told **Rep. Erickson** he had concerns on page 2, line 15. He asked why a state employee can't be a member of the Transportation Commission. **Rep. Erickson** said, within the Department of Transportation, there might be a possible conflict of interest.

Rep. Devlin asked **Rep. Erickson** if only the members of those 5 districts would vote for their representatives. **Rep. Erickson** said yes, they have to be in that district and they have to be elected from that district.

{Tape : 2; Side : B; Approx. Time Counter : 2.4}

Rep. Balyeat asked **Rep. Erickson** in the fiscal note, why there was not a cost of elections. **Rep. Erickson** said the next election would be November 2003, those candidates would have to run their own campaign.

Rep. Bookout-Reinicke asked **Rep. Erickson** how the 5 members of the Commission are paid now. **Rep. Erickson** said from the special revenue fund of the Department of Transportation.

Rep. Adams asked **Rep. Erickson** why expand the Transportation Commission from 5 members to 11 members. **Rep. Erickson** said to have a wider distribution and to have people in Montana well represented.

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 7.2}

Rep. Erickson said democracy is important and this bill extends democracy. He said the Department of Transportation is a good department. He urges Do Pass on HB 466.

EXECUTIVE ACTION ON HB 403

Motion: REP. ADAMS moved that HB 403 DO PASS.**EXHIBIT**(trh35a11)

Motion: REP. GALLIK moved that HB 403 AMENDMENTS, #HB040301.ALK DO PASS.

Discussion:

Leanne Kurtz explained amendments for HB 403.**EXHIBIT**(trh35a12)

Motion: REP. WAITSCHIES moved to SEGREGATE AMENDMENTS 1&2 FROM 3, #HB040301.ALK.

Motion/Vote: REP. WAITSCHIES moved that AMENDMENT 3, #HB040301.ALK DO PASS. Motion failed 9-9 with Balyeat, Bookout-Reinicke, Devlin, Golie, Hedges, Price, Rome, Steinbeisser, and Waitschies voting no.

Motion/Vote: REP. WAITSCHIES moved that AMENDMENTS 1&2, #HB040301.ALK DO PASS. Motion carried 18-0.

Motion: REP. GOLIE moved that HB 403 DO PASS AS AMENDED.

Motion/Vote: REP. GALLUS moved that AMENDMENT 3, #HB040301.ALK (AGAIN) DO PASS. Motion failed 6-12 with Barrett, Gallik, Gallus, Juneau, Keane, and Smith voting aye.

Motion/Vote: REP. GOLIE moved that HB 403 DO PASS AS AMENDED. Motion carried 10-8 with Adams, Balyeat, Barrett, Devlin, Gallik, Juneau, Keane, and Rome voting no.

{Tape : 3; Side : A; Approx. Time Counter : 11.7}

EXECUTIVE ACTION ON HB 410

Motion: REP. DEVLIN moved that HB 410 DO PASS.

Rep. Devlin and Rep. Gallik had concerns on issues on the bill.

Motion/Vote: REP. DEVLIN moved that HB 410 DO PASS. Motion failed 8-10 with Adams, Barrett, Bookout-Reinicke, Golie, Hedges, Keane, Rome, and Somerville voting aye.

Motion/Vote: REP. DEVLIN moved to REVERSE the VOTE TO TABLE HB 410. Motion carried 10-8 with Adams, Barrett, Bookout-Reinicke, Golie, Hedges, Keane, Rome, and Somerville voting no.

EXECUTIVE ACTION ON HB 442

Motion: REP. GALLIK moved that AMENDMENTS FOR HB 442,
#HB044201.ALK DO PASS.**EXHIBIT**(trh35a13)

Substitute Motion: REP. GALLIK made a substitute motion that
AMENDMENT 4, #HB044001.ALK DO PASS.

Discussion:

Rep. Gallik said the substitute motion would revise the increase
of fines. He said he talked to the sponsor of the bill, Rep.
Jayne.

Substitute Motion/Vote: REP. GALLIK made a substitute motion that
AMENDMENT 4, #HB044001.ALK DO PASS. Motion carried 16-2 with
Golie and Matthews voting no.

Motion: REP. GALLUS moved that HB 442 AMENDMENT #HB044202.ALK DO
PASS.

Rep. Bookout-Reinicke explained her amendment. #HB044202.alk

Motion/Vote: REP. GALLUS moved that HB 442 AMENDMENT
#HB044202.ALK DO PASS. Motion carried 17-1 with Barrett voting
no.

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 442 DO PASS AS
AMENDED. Motion carried 16-2 with Adams and Barrett voting
EXHIBIT(trh35a14)

{Tape : 3; Side : B; Approx. Time Counter : 6.7}

EXECUTIVE ACTION ON HB 476

Motion: REP. SMITH moved that HB 476 DO PASS.

Discussion:

Rep. Golie and Rep. Gallus had some concerns with issues on the
bill.

Motion/Vote: REP. SMITH moved that HB 476 DO PASS. Motion failed
4-14 with Adams, Balyeat, Rome, and Waitschies voting aye.

Motion/Vote: REP. DEVLIN moved to REVERSE the VOTE FOR HB 476 to
BE TABLED. Motion carried 14-4 with Adams, Balyeat, Rome, and
Waitschies voting no.

{Tape : 3; Side : B; Approx. Time Counter : 16.9}

Rep. Golie made a motion for a committee bill for a resolution.

Debra Kottel spoke about adopting a resolution that Montana supports a concept of a Canadian, Mexican trade route.

Chairman Somerville said, in order to pass a committee bill, two-thirds vote is needed.

Motion/Vote: REP. BOOKOUT-REINICKE moved that COMMITTEE BILL FOR A RESOLUTION DO PASS. Motion failed 11-7 with Adams, Balyeat, Barrett, Devlin, Juneau, Matthews, and Steinbeisser voting no.

Rep. Gallus made a motion for a committee bill for a resolution that is in conjunction with HB 212 to try to address bicycling safety in Montana. The resolution would call for an interim committee to convene and report to the next legislature.

{Tape : 4; Side : A; Approx. Time Counter : 5.2}

Motion/Vote: REP. GALLUS moved that COMMITTEE BILL FOR A RESOLUTION DO PASS. Motion carried 18-0.

Rep. Gallus moved to bring a committee bill forward in response to HB 212. He explained what the bill would contain.

Motion/Vote: REP. WAITSCHIES moved that COMMITTEE BILL DO PASS. Motion carried 15-3 with Balyeat, Barrett, and Somerville voting no.

ADJOURNMENT

Adjournment: 6:15 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh35aad)